

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SHAWN K.,

Plaintiff,

v.

**COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

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Case No. 2:24-cv-00380

Judge Algenon L. Marbley

Magistrate Judge Caroline H. Gentry

OPINION & ORDER


This matter is before this Court on the Magistrate Judge’s Report and Recommendation (“R&R”) regarding a Statement of Specific Errors (ECF No. 10) filed by Plaintiff, Shawn K. (ECF No. 14). In the Statement of Specific Errors, Plaintiff seeks review of a final decision of the Commissioner of Social Security denying Plaintiff’s applications for Disability Insurance Benefits and Supplemental Security Income. (ECF No. 10). Plaintiff seeks reversal of the decision and takes issue with the Administrative Law Judge’s (“ALJ’s”) evaluation of the state agency medical opinions. (*Id.* at 9).

The Magistrate Judge found the Plaintiffs Statement of Specific Errors should be granted and explained how the ALJ’s analysis is not supported by substantial evidence and the evidence cited did not support the ALJ’s conclusion. (ECF No. 14 at 10–27). The Magistrate Judge recommends: (1) Plaintiff’s Statement of Specific Errors (ECF No. 10) be granted; (2) this Court reverse the Commissioner’s non-disability determination; (3) no finding be made as to whether Plaintiff was under a “disability” within the meaning of the Social Security Act; (4) this matter be remanded to the Social Security Administration under Sentence Four of 42 U.S.C. § 405(g) for

further consideration consistent with this Court; and (5) this case be terminated on the Court's docket. (*Id.* at 28–29). Parties were advised of the right to object to the R&R within fourteen days and of the rights waived by failing to do so. (*Id.* at 29)

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Magistrate Judge's R&R (ECF No. 14) is hereby **ADOPTED**. Accordingly, this Court **GRANTS** Plaintiff's Statement of Specific Errors; **VACATES** the decision of the Commissioner; **REMANDS** this under Sentence Four of § 405(g), and **TERMINATES** this case.

IT IS SO ORDERED.



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

Dated: February 28, 2025